

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**ALYSSON MILLS, IN HER CAPACITY
AS RECEIVER FOR ARTHUR LAMAR
ADAMS AND MADISON TIMBER
PROPERTIES, LLC**

PLAINTIFF

VS.

CIVIL ACTION NO. 3:19-cv-941-CWR-FKB

**TRUSTMARK NATIONAL BANK;
BENNIE BUTTS; JUD WATKINS;
SOUTHERN BANCORP BANK; and
RIVERHILLS BANK**

DEFENDANTS

**JUD WATKINS' AND RIVERHILLS BANK'S COMBINED
RESPONSE TO RECEIVER'S MOTION FOR LEAVE TO FILE RESPONSE**

The Receiver seeks leave to file a sur-rebuttal to the reply briefs of Jud Watkins (“Watkins”) [Doc. 58] and RiverHills Bank (“RiverHills”) [Doc. 62].¹ *See, Receiver’s Motion for Leave to File Response* [Doc. 63]. The Receiver attached her proposed sur-rebuttal entitled, “Receiver’s Response to Watkins’s and Riverhills’s Reply Briefs.” (“Proposed Response”) [Doc. 63-1]. “[S]urreplies are heavily disfavored by courts.” *Benefield v. Lockhart*, 2016 WL 9782113, at *1 (S.D. Miss. Aug. 1, 2016). The reason is “because the movant is generally entitled to file the last pleading.” *Id.* “The purpose of having a motion, response, and reply is to give the movant the final opportunity to be heard, and to *rebut* the nonmovants’ response, thereby persuading the court that the movant is entitled to the relief requested by the motion.” *Id.* (emphasis in original).

Because the purpose behind the order of briefing is to give the movant the “final opportunity to be heard,” the Movants have no objection to the grant of leave to the extent that the Movants are permitted to briefly respond to the Receiver’s arguments. The Movants have attached

¹ Watkins and RiverHills are sometimes referred to collectively herein as the “Movants.”

hereto their proposed Combined Response to Receiver's Response to Watkins' and RiverHills' Reply Briefs, in which they assert their response arguments, *viz.*, (1) the Receiver contradicts positions she has previously taken; and (2) the reasoning of *Williams* applies here, and Receiver cannot accept assignments of claims.

WHEREFORE, PREMISES CONSIDERED, Jud Watkins and RiverHills Bank move the Court to grant the relief requested herein and in their respective motions.

This, the 26th day of June, 2020.

Respectfully submitted,

**JUD WATKINS AND
RIVERHILLS BANK**

By: *s/Kelly D. Simpkins*

Walter D. Willson (MSB #7291)

Kelly D. Simpkins (MSB #9028)

Their Attorneys

OF COUNSEL:

WELLS MARBLE & HURST, PLLC
300 Concourse Boulevard, Suite 200
Ridgeland, Mississippi 39157
Post Office Box 131
Jackson, Mississippi 39205-0131
Telephone: 601-605-6900
Facsimile: 601-605-6901
wwillson@wellsmar.com
ksimpkins@wellsmar.com

/275165